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CONSPIRACY IS THE CONTENTION OF DEFENSE

(Continued from page one)

Woo and Swaden worked together down through the period to the time his paper heralded that it was to devote a week to showing up the department, which week was to begin a week before the return of McDuffie from the Orient. I expect to show that Mackaye, working with the ready assistance of Kuroda, Woo and Swaden, fostered, nourished and inspired this whole thing; that this reporter Mackaye threatened, cajoled, and tried to compel Kellett to give information against McDuffie. I expect to show that Mackaye told Kellett that he had enough on him to send him to the reef for ten years.

"All this I wish to show, and more too, to make clear the position of the witnesses we have heard testify. I want the commission to know the part they have played in this in order that they may properly weigh their evidence. And as counsel has stated that he does not expect to call Woo again, it is now time for me to show the part he has had to play.

"When one comes to you and asks that credit be given him, you naturally wish to know if he is deserving of credit. It is the same in the case of this witness.

"I am going to show that this is not a case of the sheriff. I am going to show that he was merely a pawn. Swaden, Woo and Kuroda—they, too, were only pawns on the chess-board of this affair. Woo is in a frame of mind now to tell what he knows of this, and that is what we want to get.

On Smith's objection, the commission restricted Peters to conversations in which Woo took part, but allowed him to go fully into the details of the McDuffie-Kellett plot.

Woo made a significant admission before he left the stand.

He said that he had been disgruntled because he was not getting more than \$60 a month, while other men, of shorter service on the force, were getting more.

The hearing brought in several stories of meetings at odd hours of the day or night and in odd places—the Alakea wharf or somebody's room—where those engaged in ferreting out the "evidence" against McDuffie and Kellett met to whisper the developments. Once during the hearing to-day Deputy Attorney-general Smith objected to one of Peter's questions, which involved something about "meeting like thieves at Alakea wharf." Smith thought this was pretty strong language. He is also credited with the statement some days ago that if there is a "conspiracy" he is part of it, but he denies strongly that those who worked against the two police officials are conspirators in any sense.

Believed Ring Stolen.

Wednesday afternoon, with Woo on the stand, Peters cleared up the matter of the ring. He said:

"We freely admit that Kellett wore this ring. We have never attempted to deny it. Mr. Smith knows that as soon as I knew of this ring I directed Kellett to put it back in the safe. I told him that it was ethically wrong to wear it. What we want to show here is that Kellett had reasonable grounds to believe that Choy stole the ring. We expect to establish beyond reasonable doubt that this man Choy lived by his thefts and has lived in that way for years. I don't believe for a second his statement that he bought this ring one day at high noon from a soldier at Aala park, that he heard the whistles blow and looked at his watch as he banded the soldier \$9 in payment for the ring.

"When he told Kellett that story, Kellett called him a liar, and refused to give him back the ring feeling reasonably sure that it was stolen. It was his duty, in such a case, to keep the ring and make an effort to locate the real owner.

"We are now trying to show that this man is a thief, has been a thief for a long time and has served in prison a few times because of his thefts. "Kellett took the ring from him, and admits that he wore it for awhile. If the commission is going to see a man discharged for a thing of that kind, a thing known to McDuffie and reported to the reporter, Mackaye, a thing which at most is an ethical wrong, then the commission may just as well act now. We are not trying to conceal anything."

The cross-examination of Woo with his direct examination occupied the entire afternoon Wednesday.

Former Officer Bergau was put on the stand just before the noon adjournment to testify concerning the alleged brutality of Kellett in deal-

CHINESE-AMERICAN COMPANY ASSIGNED TO SECOND BATTALION

The Chinese-American company of the national guard, mustered into the territorial service a few days ago, has been assigned to the second battalion of the 1st Infantry, N. G. H., by regimental orders just published. At the present time there is only one vacant letter, H, in the battalion, and therefore the newest militia organization has this designation, by inference, although, pending a probable re-distribution of the companies, such is not specifically stated in the order. Being assigned, and not merely attached to Major Rose's battalion, the new company must take the vacant letter under the present regimental organization.

Following is the text of special orders No. 14, dated Nov. 25:

"1. The 1st Recruit Company is hereby assigned to the 2nd Battalion 1st Inf., N. G. H.
"2. First Lieu. t. George B. Schrader is relieved from duty with Co. 'A,' 1st Inf., N. G. H., and is hereby assigned to duty with the 1st Recruit Company.
"By order of Lieut. Col. Riley,
" (sg.) THOS. E. CUMMINS,
"Capt. and Adj. 1st Inf., N. G. H."

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The seventeenth annual report of the trustees of the Bernice Pauahi Bishop Museum, filed in circuit court, shows that 14,293 visitors inspected the Hawaiian collections of antiquities during the last year, a total of 845 more than during the preceding year. The salary roll amounts to \$1500 a month and the total expenditures for the 12 months were \$98,267.14, with a total receipt of \$105,532.48.

ing with the Korean, Kong Eung Do. His recollection was not clear concerning most of the affair.



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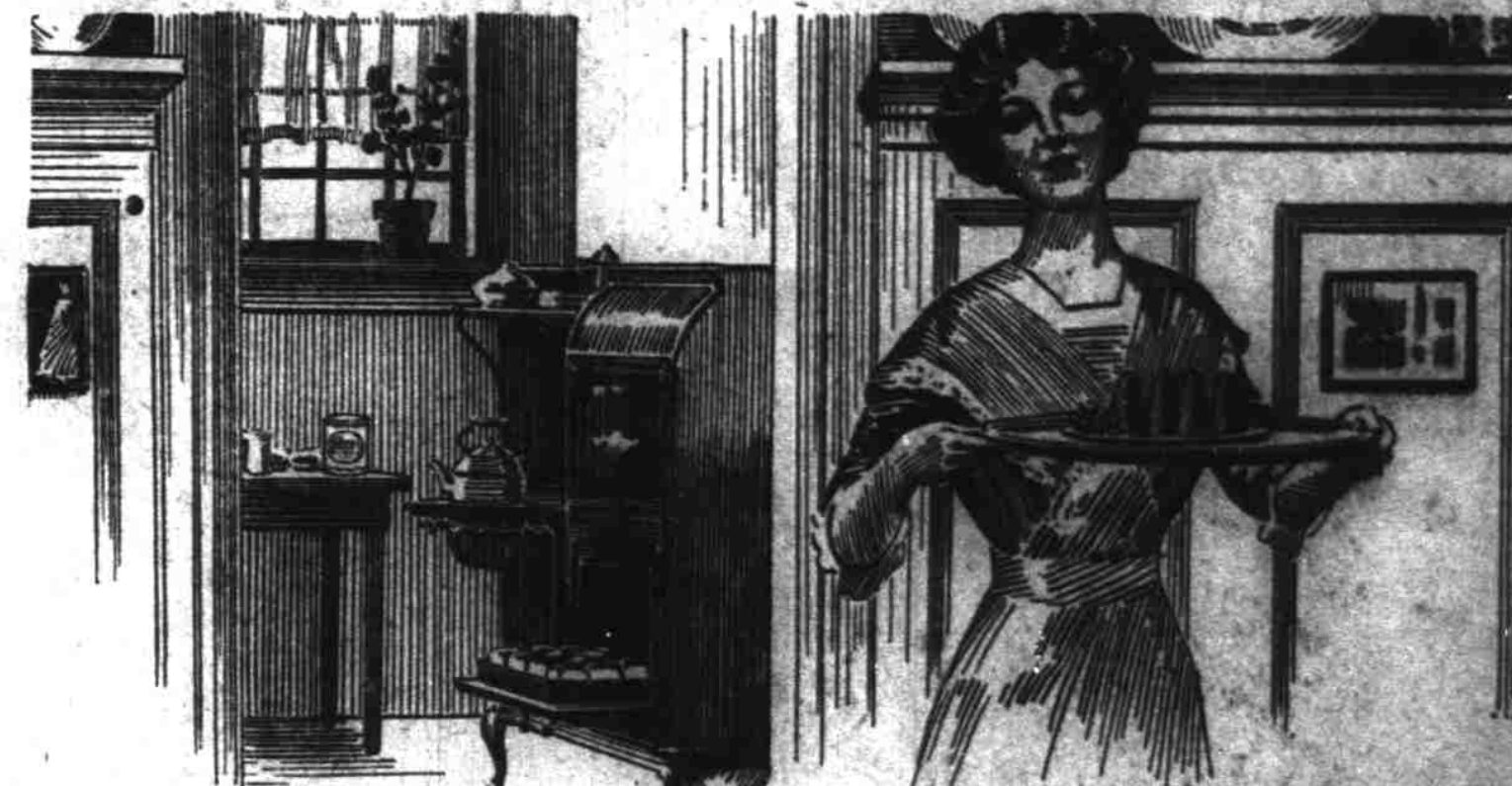
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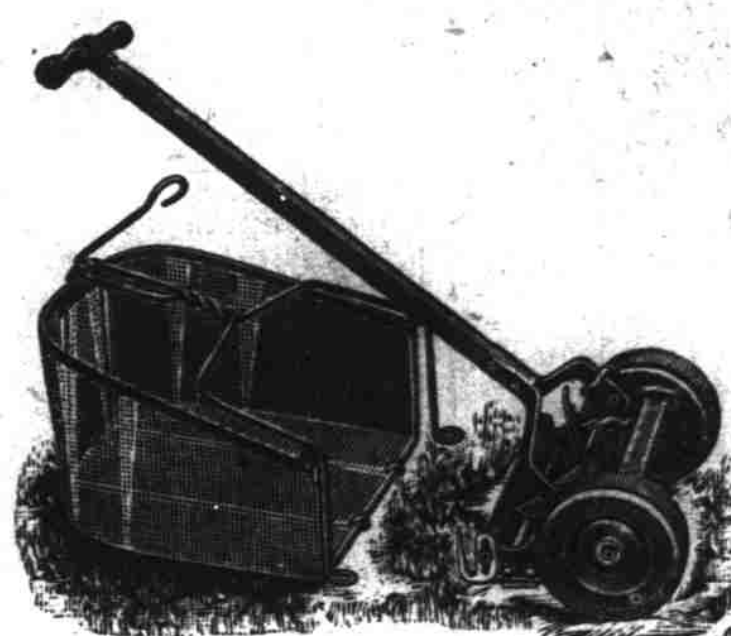
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